OBSERVATIONS

Vpon the

EARLE OF NEW-CASTLES DECLARATION.

LONDON
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OBSERVATIONS
upon
The Earle of *Newcastles*
LATE
DECLARATION.

IT is no new thing (though it was never so frequented as now) for Incendiaries to accuse the innocents as disturbers of the publick tranquillity of the Countrey.

Observation.

It is well your pen goes on so farre without particulars, perhaps you expect an application from us, and you shall have it; you say (for Incendiaries to accuse innocents was never so frequent as now:) you say true; for you have laid on the bias in this so even, as the accusation will draw as well towards you as us, so as it is no new thing for the Earle of *Newcastle* to accuse the Lord *Fairfax*, Sr. *John Hotham*, and the rest of our worthies, as in his former Proclamations and warrants appeare, accusing them for disturbing the Countries tranquility, when indeed it is his own hee meanes; wrapping the peace of his Army cunningly in the name of the Countrey.

Declaration.

The Roman was angry that his neighbour should defend himselfe,

ſelfe, and my Lord that I ſhould protect his Majeſties good ſubjects.

Obſervation.

He is not angry that you defend your ſelfe, ſo you defend not your ſelfe againſt the juſtice of Parliament, nor that you ſhould protect His Majeſties good ſubjects, ſo that the ſubjects were good you protected; not Papeſts, not delinquents, not the malignants of the Countrey.

Declaration.

Neither is the Lord Fairfax *able to bring any one particular inſtance to make good his generall calumniations.*

Obſervation.

Here is a whole leafe ſpent in vindication, and after much adoe, hee hath at length taken great paines to excuſe himſelfe into as much offence as hee ſtands charged with; for had hee ſaid leſſe, the reader perhaps had believed more; Apologies having ever laid on more than they took off; and it is alwayes a miſtake in the guilty, that they think they have never ſaid enough, unleſſe they ſay two much: for particular inſtances, we ſhall render a whole catalogue of Barbariſme and inhumanity, as your vaſt and arbitrary impoſitions, your cruell impriſonments, your ſtripping many good people naked, and ſo turning them forth.

Declaration.

The Lawes are indeed an excellent ſtandard, and meaſure of Juſtice; but when they become ſpiders webbs, to entangle ſome and let others thorow, and when ſome men muſt obſerve Law, and others bee free from all Law.

Obſervation.

The Lawes indeed are an excellent, &c. I would your Lordſhips Judgement and practice could bee reconciled; and that you would not any more offend againſt ſo great a light, and conviction, for the more you admire the Lawes, the

more you condemne your ſelfe in the breach of them; for your inſtance of the ſpiders web, it ſuites wel with your book, which is not only a net-work of wit to catch the light opinions, but a poyſon to venome them.

When ſome men, you ſay, moſt obſerve Law, and others bee free, you would ſeem to argue the Parliament into a ſtrange delinquency, as if they broke all Lawes themſelves and yet enjoyned an obedience to others; but you miſtake the Lawes, and diſtinguiſh not betwixt the *primæ* and the *primis-ortæ*, the Lawes of Parliament, and the Lawes in Parliament, or made there; for theſe latter, they are diſpenſable by ordinance and a fundamentall power; and a Parliament cannot in that capacity tranſgreſſe ſo as private men, nay as themſelves when out of that capacity and become private, for in Parliament a man ſits as a Law-maker, out of it, as a Law-obſerver; and had your Lordſhip kept your ſeate there and not deſerted the Kingdome, or derived your power from thence, and not from perſonall commands, you had then been alſo a Law-maker, whereas now you are a Law-breaker.

Declaration.

If I by Beelzebub caſt out devills, by whom doe your children caſt them out? &c. So ſay I, if I be a delinquent for raiſing defenſive armes by vertue of His Majeſties Commiſſion, with whom alone the power of the Militia *is entruſted, &c. What is the Lord* Fairfax? *Obſervation.*

For the text you tell us of, if I by Beelzebub, &c. I cannot call it a quotation, but a plundering of Scripture for your own advantage; and you that would make God ſpeake in ſo common a buſineſſe, may find him ſilent in a more ſerious occaſion: for the caſe of the *Militia* I referre you to the Parliaments Declarations who have more ably righted themſelves than you can wrong them: for His Majeſties au-

thority

thority, we should easily submit, were it rightly stated and dispensed, for he is a Kingdomes, not yours, he is a Parliaments, not a privadoes; if one should shew the Kings Seale and had stollen the Signature, you would soon deny his power; so you shew us the Kings authority, and we answer that you came not rightly to it; and the Iustice you pretend, is as if you should take the Scepter and knock your fellow Subjects in the head with it, for justice from a private hand is but revenge, and though the Scepter be sacred in the Kings hand, yet not when you guide the stroake.

Declaration.

Let him shew but any one particle of known Law, Statute or Common, which I have violated,

Observation.

An unheard off impudent challenge against clear experience, his gathering force, his arming of Papists, his Plundering, his boundlesse taxes, are these against no known Law? his forcing elections of Mayors, as the Mayor of York contrary both to Lawes and Customes; but what meanes hee by this known Law? a law known only to himselfe and the rest? or to the law-dispensers, the Iudges, or to the Parliament which is able to make the Law best known, whose interpretation must needs carry a more irrepealable and publike cognizance, being the very Court where the Law took being.

Declaration.

Either for a Company of far fetcht, dreare bought principles, drawn without Art or Iudgment, by factions or unskilfull persons out of the law of nature or nations, as a Lesbian rule to serve their ambitious ends,

Observation.

It seemes by this, you are angry at our Laws of Nature and Nations, calling them in the leafe before, Lawes in the Cloudes: what? are you angry that wee have yet a Law

reviving which you cannot force or wound, and that our fundamentalls should be hid so deep that you should not bee able to root them out; it had been a sad misfortune had wee had no other principles left us, but what such hands as yours might have pull'd from us.

Declaration.

Or for Arbitrary government, which knowes no bounds or limits, but the will of headstrong discontented persons.

Observation.

For the calumny of Arbitrary government cast on the Parliament, this is an old trick, to bring a Parliamentary power into equall contempt with the privadoes, but you can hardly perswade the people that this Arbitrary power in the Parliament, can be such as can hurt the people, as if the Kingdom would destroy it selfe, and that publike councells should be totally biassed with private intereſts, this is as difficult to believe as to believe that an Army of Papists should fight for the Protestant Religion, and that to fight against a Parliament should bee the next way to defend the Lawes.

Declaration.

With what face can these men name the Lawes of the Land? when one of them hath lately told the world in print, that they are but inventions of men, &c.

Observation.

For what one of them hath told the world in print, I shall not need to answer, that were to take the pen out of the authors hand to whom it more justly belongs: for your reproach here in your first line, with what face can these men name the Lawes? I must say rather, with what face can you thus revile the supreame court of a Kingdom?

Declaration.

In a word, I raise armes by the Law and for the Law, to pro-

tect

tell the Lawes and Religion eſtabliſhed,

Obſervation.

This is the Argument theſe men fight with, to defend eſtabliſhed Lawes, and an eſtabliſhed Religion; What? are there no corruptions in either, no need of any Reformation? ſure by the ſame power our Anceſtors made old Lawes, wee may make new: but perſwade us if you can, that you fight to protect the Lawes, can a Parliaments enemy be a friend to the Lawes? can he that would ſtop the fountaine wiſh well to the ſtreams? will hee that wounds the body, defend the ſinewes? and for ſubverting Religion eſtabliſhed, is a Reformation or melioration a ſubverſion or deſtruction? This is your Lordſhips ignorance or rather your Chaplains malignity, for I read Clergy Inke in all your paper.

Declaration.

That I have in mine Armie ſome of the Romiſh Communion, I doe not deny, yet but an handfull,

Obſervation.

Of the Romiſh Communion, a very cleanly and neat expreſſe for ſo foul abuſiveneſs, but let me tranſlate you into plain Engliſh, what is this Romiſh Communion, but right down Papiſts, the ever known enemies of our Religion and Lawes, and if Papiſts, then their Prieſts and Maſſes and ſuperſtitions ſure, and thus you break more known Lawes; and for the handfull of them, that is no excuſe, had you read ever any more Scripture than that you quoted, you might remember a little leven leavens the whole lump, and have no communion with the unfruitfull works of darkneſſe; what concord hath Chriſt and *Baal?*

Declaration.

Yea, it was a note higher in them in a warre, pretended againſt Papiſts to make uſe of Papiſts, &c. Nay doe they not ſtill admit all ſorts of Sectaries, Brownuſts, Anabaptiſts, Familiſts?

Obſervation.

Obſervation.

For this firſt Calumny you are beholden to a former Declaration from Court, and I ſhall at this time be beholden to another of the Parliaments for wiping it off; for thoſe you call Sectaries, wee can eaſily ſuffer that, ſo wee purchaſe a truth, let us have it under what notion you will, nor can this parti-coloured-coat you put on it make us love it the leſſe; I would you were all ſo minded, not to be ſo eaſily worded and witted out of your Religion and conſcience.

Declaration.

But let us enquire who are Maligninnts, are they who will not willingly part with their Religion upon arbitrary Votes?

Obſervation.

Thus you continue your former reproaches, and to render the reſults and ſuffrages of the Parliament under the contemptible notion of Arbitrary Votes; and if you would aske who are Malignants, let me help you; What are thoſe that brought the Innovations into the Church, the Tyranny and Oppreſſions into the State, and drew his Majeſty from the Parliament, and keeps him ſtill? What are thoſe that bring in an Army of Papiſts, and thoſe that daily fill our Kingdom with Armes and Forces from forraign parts? if theſe be not Malignants, they are a terme very like it.

Declaration.

If the common Adverſary did not keep them in a kind of Herodian unity for a time, your Browniſts would ſoon condemn the Diſciplinarians for Malignants, and your Anabaptiſts again your Browniſts,

Obſervation.

Theſe errours and differences you have named to us, if they be errours, they are but errours on the right hand, and never ſo deſtructive as Papiſts and Prelatiſts, nor is the truth loſt in theſe graduall differences of opinions, the Apoſtle will

will instruct you not to condemne one another for that, so they be not destructives to the foundation: *Paul* and *Barnabas* went severall wayes in a passion, and yet about the same busnesse, even to preach Christ.

Declaration.

Can the Kings forces bee said to make an invasion in his own Dominions &c.

Observation.

You tell us of the King under a wrong notion still, as I told you before, shew his name or authority in its right lustre, and then you doe something; and though a King cannot make an invasion in his own Dominions, yet as a misperswaded and seduced King he may, as a man may destroy his own goods, kill his own wife, sonne, or servants; propriety gives a man a just liberty or prerogative, but no such boundlesse or arbitrary power.

Declaration.

Did they not rob and plunder at Darneton? *did they give an assault upon* Pierce-brig *to their losse.*

Observation.

For their plundering at *Darneton*, as you say of the Romish Communion, so say I, perhaps the souldier might reach forth his hand further than his Commander gave him leave, as is usuall in times of warre, and scarce preventable. And for the losse at *Piercebrig*, we know little, but a losse of powder and shot on our parts, and a losse of a *Howard*, Colonell and others on yours.

Declaration.

Neither did I then set foot into this Country, but at the earnest sollicitation and treaty of the prime Nobility and Gentry of Yorkshire.

Observation.

In the first part, I am glad you decline the first occasion

of your comming, it is a signe you are seeing an errour in what you did; and for the prime Nobility of *York-shiere* that did sollicit you, I perceive your Lordship understands not our countrey aright, we shall informe you better, the Earle of *Cumberland* was one, who was malignant enough to bee General in the city, but not resolved enough for the field, one whom your Excellencie hath casheered from a Generall into a Leiftenant Generall, and from thence into his house at *Shipton*, where I leave him: the Lord *Falconbridge*, the Lord *Dunbar* were the rest, two, as your Lordship laies of the Romish communion, the Lord *Savill*, who is now of your cabinet, though not of your counsell, Sr. *William Savill*, to whom you were beholding for his timely notice of the losse of *Leedes*, and his own provident escape, Sr. *Marmaduke Langdaile* whom the former Lord *Strafford* had affrighted out of all Conscience and Religion at once, and of a Patriot made him a Court-stalking-horse.

Declaration.

And hee that sheddeth mans blood without a commission from the King of Heaven who only hath originall power over the lives of his creatures, and no multitude of men in the world collective or representative whatsoever, by man shall his blood bee shed.

Observation.

His Lordship hits right on the words of the text, but hee misses the sense, he brings in a private law in a publick quarrell, and for a Commission from the King of Heaven, they can sooner shew that than his Lordship his from Heaven, for bringing his Papists, the enimies of truth, to fight for it, I have said you are Gods, is sure Commission enough, and for your saying, no collective or representative body whatsoever, is it not civil blasphemy thus to revile Courts of Justice

ſtice, and like a caſheerd Iudge to raile againſt that Bench where hee can have no place himſelfe.

Declaration.

It is an eaſie thing for an Orator to caſt a miſt before the eyes of the People, and to make them a plauſible diſcourſe of the cauſe of God, &c. they had hard hearts if they could not afford themſelves a good word.

Obſervation.

It ſeemes your Lordſhip hath made ſuch uſe of it your ſelfe, you accuſe it in others, and what ever good words they afford themſelves, I am ſure hee that reads your book will ſee, you are not far behinde, to your ſelfe, if you have not got the ſtart, but whatever good words they give themſelves, I think they have few enough from you, but you would faine jeſt your readers into a beliefe of your accuſation, for your naming Religion and Scripture too as you do, you do ſo mingle them in your State diſcourſes, as if you had got on your Chaplains gowne, and yet would talke like a Lord.

Declaration.

Theſe very men have taught the contrary, have proteſted the contrary, ante mota certamina, *then themſelves condemned this very doctrine which now they practice.*

Obſervation.

What doe you tell us of what they then condemne and now practice, are you angry at any change for the better? and for your Latine *ante mota certamina*, I ſhall draw up a ſquadron of Latine to give fire on his Lordſhips, *non eſt pudor tranſire ad meliora.*

Declaration.

Are they successors in Doctrine of those first Reformers in Germany? *no; what these old Protestants allowed, &c. these new condemne, this is beyond the power of an omnipotency to make both parts of a contradiction true, no Protestants to bee Protestants.*

Observation.

They are successors in Doctrine so far as their Doctrine is successor to Christs and his Apostles, but no further, and, tis true, we condemne what those Protestants allowed, but it is because we have had a longer light of the Gospell with us, shall wee not see clearer at our noon, than they in the first dawning, and to make a contradiction good, and yet no omnipotency neither; wee are Protestants in protesting with them against *Rome* and the corruptions of it, no Protestants in what they protest with it; for Gods omnipotency I could wish your Lordship more tender of his name and word than you are, but I know not where to have you for certain, you are now in Divinity, then in war, you are now in a surplesse, anon in buffe.

Declaration.

Could these Ambassadours of peace kept themselves for that the all which was bequeathed them by their Prince of peace, they might long enjoy their benifices.

Observation.

It is wel, and your Lordship might adde also, could the ministers have held their peace while your army of Papists had come in at this back dore, and while all the Altars and ceremonies, all the malignity and prophanesse, all the oppression had gone on its course, they had enjoyed their livings, no; the godly Ministers are not easily bribed to hold their peace at these evills, as perhaps your Bishops and Doctors of *York*, *Durham*, nor can the good Divines so easily hold their peace

as

as yours, who are lesse used to the Pulpit.

Declaration.

If any Ministers have assumed a Plurality of Professions and added the sword to the word,

Observation.

For wearing a defensive weapon in such offensive times, was never condemned, no not by Apostolicall practise: If a sword had been so inconsistent with a Divine, I suppose S. *Peter* had not made use of one in our Saviours company, and if they please to think of *Zwinglius*, *Charmier*, and other such worthy Divines, who were as famous for their Armes as arguments.

Declarition.

Lord how these men are touched to the quick, when any but themselves doe offer to plunder,

Observation.

It is well that now at last your Lordship will sport your selfe into that guilt, which of late you would not own, wee see you are content now to wrap your self up in the name of a Plunderer, so long as it is in so good Company.

Declaration.

They have spared no age, &c. and all this done by a company of men crept out now at last out of the bottome of Pandoras Box.

Observation.

His Lordship spends a whole leafe in idle and groundlesse aspersions, which I will not confute, but let the whole Countrey doe it, only this I will adde, had he not stuffed his paper wi h these, his Declaration had been shorter wasted; he sayes our company have crept out of the Box, what if I say, his Lordship then and whole Army hath crept into it, for I think they were boxed of late and that soundly too; I am sorry that his wit gives mee the hint to be thus ridiculous, but since he will laugh, we shall laugh for company.

Declaration.

There may bee treason against the King, none against them, there may bee, forfeitures of estates to the King, none to them.

Observation.

But if they be armed, as they are by a Soveraign or Parliamentary power, what is done against them in that capacity is as much treason, as he that strikes a Iudge on the Bench or Magistrate in his place, strikes not so much the man as the Authority, and so are the forfeiture two even to them thus enabled and ministerialized by Ordinance, and now all he sayes after, is on mistaken principles.

Declaration.

I made a publike Declaration against Plundering, in Print,

Observation.

And it was wisely done, however to declare against Plundering, now had you so good Rhetorick as to perswade the people you plundered not though you took all, that were a quaint device; but well, as your Lordship sayes, it is hard if you cannot afford your selfe a good word; it had not me thinks been amisse, had you carried your Declaration in one hand and your sword in the other, and so have plundred by the book.

Declaration.

But what hath been done in that kind, hath beene done by the Gentry, when I have rather acted the part of the Minister to execute what they resolved,

Observation.

I have rather acted the part of a Minister, &c. your Lordship does well to speak truth, it is pitty but the blame should ly where it ought; indeed wee wonder you cashiered not those Gentry ere this, as you have done *Savill* and *Gower*, &c. certainly they have not dealt fairely with you, to bring you in

in and promiſe you pay, and now not to be able to performe, either their abilities are very little or their honeſties.

Declaration.

It were a more conſcionable and diſcreet part of them to repaire all as one unanimous body to their Soveraigues Standard, &c.

Obſervation.

They are all under the right Standard already, under the Royall Parliamentary power, and they fight againſt you and the reſt for painting a counterfeit, and diſplaying it to ſeduce both them and theirs, your Lion, or Crown, or ſuch paintings is no Regall Authoritie, colours make not a cauſe no more than a Crucifix makes Chriſtianitie.

Declaration.

His Lordſhip talkes of driving mee and my Army out of the Countrey, if it bee not a flouriſh, but a true ſpark of undiſſembled Gallantry, hee may doe well to expreſſe for time and place.

Obſervation.

Your Lordſhip makes a challenge, you know neither hath the *Fairefaxes* or *Hothams* or any of our worthies ever declined you in the Field; nor mee thinks ſhould you challenge again having loſt it ſo lately, if you challenge to ſave blood and miſery, you had better ſingle your ſelfe for a Duell with one of them, but perhaps you fight better in company: I like your challenge in paper well, it is ſafe fighting and writing at diſtance, yet ſuch ſpeedy deciſion would doe well, I would our Southern Army were in that point of your Lordſhips mind, wee ſhould not languiſh ſo long; for the ſparks of Gallantry you call for in our Champions, I believe you found rather their flames then their ſparks, your Army thought it too hot ſtaying.

Poſtſcript.

OUr Gentry is taxed by this Declaration for breach of promise, but the breach was [illegible] on their parts, and conditionall covenants as such were, doe ever stand and fall with their conditions.

FINIS.